

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHN PARDOVANI,

15-cv-9065 (SHS)

Plaintiff,

VERDICT SHEET

- against -

CROWN BUILDING MAINTENANCE CO. D/B/A ABLE  
BUILDING MAINTENANCE, JAZZ AT LINCOLN  
CENTER, INC., RICHARD CRUZ, *Individually*, and JOE  
MIELE, *Individually*,

Defendants.

1. Did plaintiff prove by a preponderance of the evidence that Jazz at Lincoln Center, Inc. acted as Mr. Pardovani's joint employer?

Answer: Yes ☒ No ☐

2. Did plaintiff prove by a preponderance of the evidence that he was subjected to race-based discrimination or a hostile work environment in violation of Section 1981:

- a. By Able Building Maintenance?

Yes ☒ No ☐

- b. By Jazz at Lincoln Center, Inc.?

Yes ☒ No ☐

- c. By Richard Cruz?

Yes ☐ No ☒

- d. By Joe Miele?

Yes ☐ No ☒

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BUILDING MAINTENANCE, JAZZ AT LINCOLN  
CENTER, INC., RICHARD CRUZ, *Individually*, and JOE  
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Defendants.

1. Did plaintiff prove by a preponderance of the evidence that Jazz at Lincoln Center, Inc. acted as Mr. Pardovani's joint employer?

Answer: Yes ☒ No ☐

2. Did plaintiff prove by a preponderance of the evidence that he was subjected to race-based discrimination or a hostile work environment in violation of Section 1981:

- a. By Able Building Maintenance?

Yes ☒ No ☐

- b. By Jazz at Lincoln Center, Inc.?

Yes ☒ No ☐

- c. By Richard Cruz?

Yes ☐ No ☒

- d. By Joe Miele?

Yes ☐ No ☒

3. Did plaintiff prove by a preponderance of the evidence that he was subjected to retaliation in violation of Section 1981:

a. By Able Building Maintenance?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

b. By Jazz at Lincoln Center, Inc.?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

c. By Richard Cruz?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

d. By Joe Miele?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

4. Did plaintiff prove by a preponderance of the evidence that he was subjected to race-based discrimination or a hostile work environment in violation of Title VII:

a. By Able Building Maintenance?

Yes ☒ \_\_\_\_\_

No \_\_\_\_\_

b. By Jazz at Lincoln Center, Inc.?

Yes ☒ \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 4 is "Yes" for either defendant, proceed to Question 5. If your answer to Question 4 is "No" for both defendants, skip Question 5 and proceed to Question 6.

5. Did either defendant for whom you checked "Yes" to Question 4 prove by a preponderance of the evidence that it exercised reasonable care to prevent and promptly correct any discriminatory behavior, and that plaintiff unreasonably failed to take advantage of those preventive or corrective opportunities or to otherwise avoid harm?

a. Able Building Maintenance

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

b. Jazz at Lincoln Center, Inc.

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

6. Did plaintiff prove by a preponderance of the evidence that he was subjected to retaliation in violation of Title VII:

a. By Able Building Maintenance?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

b. By Jazz at Lincoln Center, Inc.?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

7. Did plaintiff prove by a preponderance of the evidence that he was subjected to a hostile work environment in violation of New York City Human Rights Law:

a. By Able Building Maintenance?

Yes ☒ \_\_\_\_\_

No \_\_\_\_\_

b. By Jazz at Lincoln Center, Inc.?

Yes ☒ \_\_\_\_\_

No \_\_\_\_\_

c. By Richard Cruz?

Yes ☒ \_\_\_\_\_

No \_\_\_\_\_

d. By Joe Miele?

Yes ☒ \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 7 is "Yes" for any defendant, proceed to Question 8. If your answer to Question 7 is "No" for all defendants, skip Question 8 and proceed to Question 9.

8. For any defendant for whom you checked yes to Question 7, did that defendant prove by a preponderance of the evidence that its conduct to which plaintiff complains consisted of only petty slights or trivial inconveniences?

a. Able Building Maintenance?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_



b. Jazz at Lincoln Center, Inc.?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

c. Richard Cruz?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

d. Joe Miele?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

9. Did plaintiff prove by a preponderance of the evidence that he was subjected to retaliation in violation of New York City Human Rights Law:

a. By Able Building Maintenance?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

b. By Jazz at Lincoln Center, Inc.?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

c. By Richard Cruz?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

d. By Joe Miele?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

*If you have answered "Yes" to any part of any of the above Questions 2 – 4, 6 – 7, and 9, please continue on to Questions 10 and 11. If you did not answer "Yes" to any part of any of the above Questions 2 – 4, 6 – 7, or 9, skip Questions 10 and 11 and proceed directly to Question 12.*

10. What amount of compensatory damages, if any, did the plaintiff prove by a preponderance of the evidence he has suffered as a result of defendants' conduct?

\$ 800,000

11. What percent of the total amount of compensatory damages is owed by each defendant, if any?

a. Able Building Maintenance

20 %

b. Jazz at Lincoln Center, Inc.

30 %

c. Richard Cruz

0 %

d. Joe Miele

0 %

12. Did defendant Joseph Miele prove by a preponderance of the evidence that plaintiff John Pardovani defamed him?

Yes ☒ No ☐

*If you answered "Yes" to Question 12, please continue on to Question 13. If you answered "No" to Question 12, skip Questions 13-14 and simply sign the verdict form.*

13. Did plaintiff Pardovani prove by a preponderance of the evidence that the statements he made which Miele alleges were defamatory were true?

Yes ☐ No ☒

*If you answered "Yes" to Question 13, skip Question 14 and simply sign the verdict form. If you answered "No" to Question 13, please continue on to Question 14.*

14. What amount of damages, if any, did defendant Miele prove by a preponderance of the evidence he has suffered as a result of plaintiff Pardovani's conduct?

\$ ONE DOLLAR

— New York, New York

November 11, 2022